

## **H. Res. 572**

### ***In the House of Representatives, U.S.,***

*October 5, 1998.*

*Resolved*, That, upon the adoption of this resolution, the House shall be considered to have taken from the Speaker's table the bill H.R. 1702 together with the Senate amendment thereto, and to have concurred in the Senate amendment with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

#### **1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the  
3 “Commercial Space Act of 1998”.

4 (b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

#### **TITLE I—PROMOTION OF COMMERCIAL SPACE OPPORTUNITIES**

Sec. 101. Commercialization of Space Station.

Sec. 102. Commercial space launch amendments.

Sec. 103. Launch voucher demonstration program.

Sec. 104. Promotion of United States Global Positioning System standards.

Sec. 105. Acquisition of space science data.

Sec. 106. Administration of Commercial Space Centers.

Sec. 107. Sources of Earth science data.

#### **TITLE II—FEDERAL ACQUISITION OF SPACE TRANSPORTATION SERVICES**

Sec. 201. Requirement to procure commercial space transportation services.

Sec. 202. Acquisition of commercial space transportation services.

Sec. 203. Launch Services Purchase Act of 1990 amendments.  
Sec. 204. Shuttle privatization.  
Sec. 205. Use of excess intercontinental ballistic missiles.  
Sec. 206. National launch capability study.

1 **SEC. 2. DEFINITIONS.**

2 For purposes of this Act—

3 (1) the term “Administrator” means the Ad-  
4 ministrator of the National Aeronautics and Space  
5 Administration;

6 (2) the term “commercial provider” means any  
7 person providing space transportation services or  
8 other space-related activities, primary control of  
9 which is held by persons other than Federal, State,  
10 local, and foreign governments;

11 (3) the term “payload” means anything that a  
12 person undertakes to transport to, from, or within  
13 outer space, or in suborbital trajectory, by means of  
14 a space transportation vehicle, but does not include  
15 the space transportation vehicle itself except for its  
16 components which are specifically designed or adapt-  
17 ed for that payload;

18 (4) the term “space-related activities” includes  
19 research and development, manufacturing, process-  
20 ing, service, and other associated and support activi-  
21 ties;

22 (5) the term “space transportation services”  
23 means the preparation of a space transportation ve-

hicle and its payloads for transportation to, from, or within outer space, or in suborbital trajectory, and the conduct of transporting a payload to, from, or within outer space, or in suborbital trajectory;

(6) the term “space transportation vehicle” means any vehicle constructed for the purpose of operating in, or transporting a payload to, from, or within, outer space, or in suborbital trajectory, and includes any component of such vehicle not specifically designed or adapted for a payload;

(7) the term “State” means each of the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States; and

(8) the term “United States commercial provider” means a commercial provider, organized under the laws of the United States or of a State, which is—

(A) more than 50 percent owned by United States nationals; or

(B) a subsidiary of a foreign company and the Secretary of Transportation finds that—

1 (i) such subsidiary has in the past evi-  
2 denced a substantial commitment to the  
3 United States market through—

4 (I) investments in the United  
5 States in long-term research, develop-  
6 ment, and manufacturing (including  
7 the manufacture of major components  
8 and subassemblies); and

9 (II) significant contributions to  
10 employment in the United States; and

11 (ii) the country or countries in which  
12 such foreign company is incorporated or  
13 organized, and, if appropriate, in which it  
14 principally conducts its business, affords  
15 reciprocal treatment to companies de-  
16 scribed in subparagraph (A) comparable to  
17 that afforded to such foreign company's  
18 subsidiary in the United States, as evi-  
19 denced by—

20 (I) providing comparable oppor-  
21 tunities for companies described in  
22 subparagraph (A) to participate in  
23 Government sponsored research and  
24 development similar to that authorized  
25 under this Act;

1 (II) providing no barriers, to  
2 companies described in subparagraph  
3 (A) with respect to local investment  
4 opportunities, that are not provided to  
5 foreign companies in the United  
6 States; and

7 (III) providing adequate and ef-  
8 fective protection for the intellectual  
9 property rights of companies de-  
10 scribed in subparagraph (A).

11 **TITLE I—PROMOTION OF COM-**  
12 **MERCIAL SPACE OPPORTUNI-**  
13 **TIES**

14 **SEC. 101. COMMERCIALIZATION OF SPACE STATION.**

15 (a) POLICY.—The Congress declares that a priority  
16 goal of constructing the International Space Station is the  
17 economic development of Earth orbital space. The Con-  
18 gress further declares that free and competitive markets  
19 create the most efficient conditions for promoting eco-  
20 nomic development, and should therefore govern the eco-  
21 nomic development of Earth orbital space. The Congress  
22 further declares that the use of free market principles in  
23 operating, servicing, allocating the use of, and adding ca-  
24 pabilities to the Space Station, and the resulting fullest  
25 possible engagement of commercial providers and partici-

1 pation of commercial users, will reduce Space Station  
2 operational costs for all partners and the Federal Govern-  
3 ment's share of the United States burden to fund oper-  
4 ations.

5 (b) REPORTS.—(1) The Administrator shall deliver to  
6 the Committee on Science of the House of Representatives  
7 and the Committee on Commerce, Science, and Transpor-  
8 tation of the Senate, within 90 days after the date of the  
9 enactment of this Act, a study that identifies and exam-  
10 ines—

11 (A) the opportunities for commercial providers  
12 to play a role in International Space Station activi-  
13 ties, including operation, use, servicing, and aug-  
14 mentation;

15 (B) the potential cost savings to be derived  
16 from commercial providers playing a role in each of  
17 these activities;

18 (C) which of the opportunities described in sub-  
19 paragraph (A) the Administrator plans to make  
20 available to commercial providers in fiscal years  
21 1999 and 2000;

22 (D) the specific policies and initiatives the Ad-  
23 ministrator is advancing to encourage and facilitate  
24 these commercial opportunities; and

1           (E) the revenues and cost reimbursements to  
2           the Federal Government from commercial users of  
3           the Space Station.

4           (2) The Administrator shall deliver to the Committee  
5 on Science of the House of Representatives and the Com-  
6 mittee on Commerce, Science, and Transportation of the  
7 Senate, within 180 days after the date of the enactment  
8 of this Act, an independently-conducted market study that  
9 examines and evaluates potential industry interest in pro-  
10 viding commercial goods and services for the operation,  
11 servicing, and augmentation of the International Space  
12 Station, and in the commercial use of the International  
13 Space Station. This study shall also include updates to  
14 the cost savings and revenue estimates made in the study  
15 described in paragraph (1) based on the external market  
16 assessment.

17          (3) The Administrator shall deliver to the Congress,  
18 no later than the submission of the President's annual  
19 budget request for fiscal year 2000, a report detailing how  
20 many proposals (whether solicited or not) the National  
21 Aeronautics and Space Administration received during  
22 calendar years 1997 and 1998 regarding commercial oper-  
23 ation, servicing, utilization, or augmentation of the Inter-  
24 national Space Station, broken down by each of these four  
25 categories, and specifying how many agreements the Na-

1 tional Aeronautics and Space Administration has entered  
 2 into in response to these proposals, also broken down by  
 3 these four categories.

4 (4) Each of the studies and reports required by para-  
 5 graphs (1), (2), and (3) shall include consideration of the  
 6 potential role of State governments as brokers in promot-  
 7 ing commercial participation in the International Space  
 8 Station program.

9 **SEC. 102. COMMERCIAL SPACE LAUNCH AMENDMENTS.**

10 (a) AMENDMENTS.—Chapter 701 of title 49, United  
 11 States Code, is amended—

12 (1) in the table of sections—

13 (A) by amending the item relating to sec-  
 14 tion 70104 to read as follows:

“70104. Restrictions on launches, operations, and reentries.”;

15 (B) by amending the item relating to sec-  
 16 tion 70108 to read as follows:

“70108. Prohibition, suspension, and end of launches, operation of launch sites  
 and reentry sites, and reentries.”;

17 (C) by amending the item relating to sec-  
 18 tion 70109 to read as follows:

“70109. Preemption of scheduled launches or reentries.”;

19 and

20 (D) by adding at the end the following new  
 21 items:

“70120. Regulations.

“70121. Report to Congress.”.



1 (2) in section 70101—

2 (A) by inserting “microgravity research,”  
3 after “information services,” in subsection  
4 (a)(3);

5 (B) by inserting “, reentry,” after “launch-  
6 ing” both places it appears in subsection (a)(4);

7 (C) by inserting “, reentry vehicles,” after  
8 “launch vehicles” in subsection (a)(5);

9 (D) by inserting “and reentry services”  
10 after “launch services” in subsection (a)(6);

11 (E) by inserting “, reentries,” after  
12 “launches” both places it appears in subsection  
13 (a)(7);

14 (F) by inserting “, reentry sites,” after  
15 “launch sites” in subsection (a)(8);

16 (G) by inserting “and reentry services”  
17 after “launch services” in subsection (a)(8);

18 (H) by inserting “reentry sites,” after  
19 “launch sites,” in subsection (a)(9);

20 (I) by inserting “and reentry site” after  
21 “launch site” in subsection (a)(9);

22 (J) by inserting “, reentry vehicles,” after  
23 “launch vehicles” in subsection (b)(2);

24 (K) by striking “launch” in subsection  
25 (b)(2)(A);

1 (L) by inserting “and reentry” after “con-  
2 duct of commercial launch” in subsection  
3 (b)(3);

4 (M) by striking “launch” after “and trans-  
5 fer commercial” in subsection (b)(3); and

6 (N) by inserting “and development of re-  
7 entry sites,” after “launch-site support facili-  
8 ties,” in subsection (b)(4);

9 (3) in section 70102—

10 (A) in paragraph (3)—

11 (i) by striking “and any payload” and  
12 inserting in lieu thereof “or reentry vehicle  
13 and any payload from Earth”;

14 (ii) by striking the period at the end  
15 of subparagraph (C) and inserting in lieu  
16 thereof a comma; and

17 (iii) by adding after subparagraph (C)  
18 the following:

19 “including activities involved in the preparation of a  
20 launch vehicle or payload for launch, when those ac-  
21 tivities take place at a launch site in the United  
22 States.”;

23 (B) by inserting “or reentry vehicle” after  
24 “means of a launch vehicle” in paragraph (8);

1 (C) by redesignating paragraphs (10),  
2 (11), and (12) as paragraphs (14), (15), and  
3 (16), respectively;

4 (D) by inserting after paragraph (9) the  
5 following new paragraphs:

6 “(10) ‘reenter’ and ‘reentry’ mean to return or  
7 attempt to return, purposefully, a reentry vehicle  
8 and its payload, if any, from Earth orbit or from  
9 outer space to Earth.

10 “(11) ‘reentry services’ means—

11 “(A) activities involved in the preparation  
12 of a reentry vehicle and its payload, if any, for  
13 reentry; and

14 “(B) the conduct of a reentry.

15 “(12) ‘reentry site’ means the location on Earth  
16 to which a reentry vehicle is intended to return (as  
17 defined in a license the Secretary issues or transfers  
18 under this chapter).

19 “(13) ‘reentry vehicle’ means a vehicle designed  
20 to return from Earth orbit or outer space to Earth,  
21 or a reusable launch vehicle designed to return from  
22 Earth orbit or outer space to Earth, substantially in-  
23 tact.”; and

24 (E) by inserting “or reentry services” after  
25 “launch services” each place it appears in para-

1 graph (15), as so redesignated by subparagraph  
2 (C) of this paragraph;  
3 (4) in section 70103(b)—

4 (A) by inserting “AND REENTRIES” after  
5 “LAUNCHES” in the subsection heading;

6 (B) by inserting “and reentries” after  
7 “commercial space launches” in paragraph (1);  
8 and

9 (C) by inserting “and reentry” after  
10 “space launch” in paragraph (2);  
11 (5) in section 70104—

12 (A) by amending the section designation  
13 and heading to read as follows:

14 **“§ 70104. Restrictions on launches, operations, and**  
15 **reentries”;**

16 (B) by inserting “or reentry site, or to re-  
17 enter a reentry vehicle,” after “operate a  
18 launch site” each place it appears in subsection  
19 (a);

20 (C) by inserting “or reentry” after “launch  
21 or operation” in subsection (a)(3) and (4);

22 (D) in subsection (b)—

23 (i) by striking “launch license” and  
24 inserting in lieu thereof “license”;

1 (ii) by inserting “or reenter” after  
2 “may launch”; and

3 (iii) by inserting “or reentering” after  
4 “related to launching”; and

5 (E) in subsection (c)—

6 (i) by amending the subsection head-  
7 ing to read as follows: “PREVENTING  
8 LAUNCHES AND REENTRIES.—”;

9 (ii) by inserting “or reentry” after  
10 “prevent the launch”; and

11 (iii) by inserting “or reentry” after  
12 “decides the launch”;

13 (6) in section 70105—

14 (A) by inserting “(1)” before “A person  
15 may apply” in subsection (a);

16 (B) by striking “receiving an application”  
17 both places it appears in subsection (a) and in-  
18 serting in lieu thereof “accepting an application  
19 in accordance with criteria established pursuant  
20 to subsection (b)(2)(D)”;

21 (C) by adding at the end of subsection (a)  
22 the following: “The Secretary shall transmit to  
23 the Committee on Science of the House of Rep-  
24 resentatives and the Committee on Commerce,  
25 Science, and Transportation of the Senate a

1           written notice not later than 30 days after any  
2           occurrence when a license is not issued within  
3           the deadline established by this subsection.

4           “(2) In carrying out paragraph (1), the Secretary  
5   may establish procedures for safety approvals of launch  
6   vehicles, reentry vehicles, safety systems, processes, serv-  
7   ices, or personnel that may be used in conducting licensed  
8   commercial space launch or reentry activities.”;

9           (D) by inserting “or a reentry site, or the  
10   reentry of a reentry vehicle,” after “operation  
11   of a launch site” in subsection (b)(1);

12          (E) by striking “or operation” and insert-  
13   ing in lieu thereof “, operation, or reentry” in  
14   subsection (b)(2)(A);

15          (F) by striking “and” at the end of sub-  
16   section (b)(2)(B);

17          (G) by striking the period at the end of  
18   subsection (b)(2)(C) and inserting in lieu there-  
19   of “; and”;

20          (H) by adding at the end of subsection  
21   (b)(2) the following new subparagraph:

22          “(D) regulations establishing criteria for ac-  
23   cepting or rejecting an application for a license  
24   under this chapter within 60 days after receipt of  
25   such application.”; and

1 (I) by inserting “, including the require-  
 2 ment to obtain a license,” after “waive a re-  
 3 quirement” in subsection (b)(3);  
 4 (7) in section 70106(a)—

5 (A) by inserting “or reentry site” after  
 6 “observer at a launch site”;

7 (B) by inserting “or reentry vehicle” after  
 8 “assemble a launch vehicle”; and

9 (C) by inserting “or reentry vehicle” after  
 10 “with a launch vehicle”;  
 11 (8) in section 70108—

12 (A) by amending the section designation  
 13 and heading to read as follows:

14 **“§ 70108. Prohibition, suspension, and end of**  
 15 **launches, operation of launch sites and**  
 16 **reentry sites, and reentries”;**

17 and

18 (B) in subsection (a)—

19 (i) by inserting “or reentry site, or re-  
 20 entry of a reentry vehicle,” after “oper-  
 21 ation of a launch site”; and

22 (ii) by inserting “or reentry” after  
 23 “launch or operation”;

24 (9) in section 70109—

1 (A) by amending the section designation  
2 and heading to read as follows:

3 **“§ 70109. Preemption of scheduled launches or reen-**  
4 **tries”;**

5 (B) in subsection (a)—

6 (i) by inserting “or reentry” after  
7 “ensure that a launch”;

8 (ii) by inserting “, reentry site,” after  
9 “United States Government launch site”;

10 (iii) by inserting “or reentry date  
11 commitment” after “launch date commit-  
12 ment”;

13 (iv) by inserting “or reentry” after  
14 “obtained for a launch”;

15 (v) by inserting “, reentry site,” after  
16 “access to a launch site”;

17 (vi) by inserting “, or services related  
18 to a reentry,” after “amount for launch  
19 services”; and

20 (vii) by inserting “or reentry” after  
21 “the scheduled launch”; and

22 (C) in subsection (c), by inserting “or re-  
23 entry” after “prompt launching”;

24 (10) in section 70110—



1 (A) by inserting “or reentry” after “pre-  
2 vent the launch” in subsection (a)(2); and

3 (B) by inserting “or reentry site, or re-  
4 entry of a reentry vehicle,” after “operation of  
5 a launch site” in subsection (a)(3)(B);

6 (11) in section 70111—

7 (A) by inserting “or reentry” after  
8 “launch” in subsection (a)(1)(A);

9 (B) by inserting “and reentry services”  
10 after “launch services” in subsection (a)(1)(B);

11 (C) by inserting “or reentry services” after  
12 “or launch services” in subsection (a)(2);

13 (D) by striking “source.” in subsection  
14 (a)(2) and inserting “source, whether such  
15 source is located on or off a Federal range.”;

16 (E) by inserting “or reentry” after “com-  
17 mercial launch” both places it appears in sub-  
18 section (b)(1);

19 (F) by inserting “or reentry services” after  
20 “launch services” in subsection (b)(2)(C);

21 (G) by inserting after subsection (b)(2) the  
22 following new paragraph:

23 “(3) The Secretary shall ensure the establishment of  
24 uniform guidelines for, and consistent implementation of,  
25 this section by all Federal agencies.”;

1 (H) by striking “or its payload for launch”  
2 in subsection (d) and inserting in lieu thereof  
3 “or reentry vehicle, or the payload of either, for  
4 launch or reentry”; and

5 (I) by inserting “, reentry vehicle,” after  
6 “manufacturer of the launch vehicle” in sub-  
7 section (d);

8 (12) in section 70112—

9 (A) in subsection (a)(1), by inserting  
10 “launch or reentry” after “(1) When a”;

11 (B) by inserting “or reentry” after “one  
12 launch” in subsection (a)(3);

13 (C) by inserting “or reentry services” after  
14 “launch services” in subsection (a)(4);

15 (D) in subsection (b)(1), by inserting  
16 “launch or reentry” after “(1) A”;

17 (E) by inserting “or reentry services” after  
18 “launch services” each place it appears in sub-  
19 section (b);

20 (F) by inserting “applicable” after “car-  
21 ried out under the” in paragraphs (1) and (2)  
22 of subsection (b);

23 (G) by inserting “OR REENTRIES” after  
24 “LAUNCHES” in the heading for subsection (e);

1 (H) by inserting “or reentry site or a re-  
 2 entry” after “launch site” in subsection (e);  
 3 and

4 (I) in subsection (f), by inserting “launch  
 5 or reentry” after “carried out under a”;

6 (13) in section 70113(a)(1) and (d)(1) and (2),  
 7 by inserting “or reentry” after “one launch” each  
 8 place it appears;

9 (14) in section 70115(b)(1)(D)(i)—

10 (A) by inserting “reentry site,” after  
 11 “launch site,”; and

12 (B) by inserting “or reentry vehicle” after  
 13 “launch vehicle” both places it appears;

14 (15) in section 70117—

15 (A) by inserting “or reentry site, or to re-  
 16 enter a reentry vehicle” after “operate a launch  
 17 site” in subsection (a);

18 (B) by inserting “or reentry” after “ap-  
 19 proval of a space launch” in subsection (d);

20 (C) by amending subsection (f) to read as  
 21 follows:

22 “(f) LAUNCH NOT AN EXPORT; REENTRY NOT AN  
 23 IMPORT.—A launch vehicle, reentry vehicle, or payload  
 24 that is launched or reentered is not, because of the launch  
 25 or reentry, an export or import, respectively, for purposes

1 of a law controlling exports or imports, except that pay-  
 2 loads launched pursuant to foreign trade zone procedures  
 3 as provided for under the Foreign Trade Zones Act (19  
 4 U.S.C. 81a–81u) shall be considered exports with regard  
 5 to customs entry.”; and

6 (D) in subsection (g)—

7 (i) by striking “operation of a launch  
 8 vehicle or launch site,” in paragraph (1)  
 9 and inserting in lieu thereof “reentry, op-  
 10 eration of a launch vehicle or reentry vehi-  
 11 cle, operation of a launch site or reentry  
 12 site,”; and

13 (ii) by inserting “reentry,” after  
 14 “launch,” in paragraph (2); and

15 (16) by adding at the end the following new  
 16 sections:

17 **“§ 70120. Regulations**

18 “(a) IN GENERAL.—The Secretary of Transpor-  
 19 tation, within 9 months after the date of the enactment  
 20 of this section, shall issue regulations to carry out this  
 21 chapter that include—

22 “(1) guidelines for industry and State govern-  
 23 ments to obtain sufficient insurance coverage for po-  
 24 tential damages to third parties;

1           “(2) procedures for requesting and obtaining li-  
2           censes to launch a commercial launch vehicle;

3           “(3) procedures for requesting and obtaining  
4           operator licenses for launch;

5           “(4) procedures for requesting and obtaining  
6           launch site operator licenses; and

7           “(5) procedures for the application of govern-  
8           ment indemnification.

9           “(b) REENTRY.—The Secretary of Transportation,  
10          within 6 months after the date of the enactment of this  
11          section, shall issue a notice of proposed rulemaking to  
12          carry out this chapter that includes—

13           “(1) procedures for requesting and obtaining li-  
14           censes to reenter a reentry vehicle;

15           “(2) procedures for requesting and obtaining  
16           operator licenses for reentry; and

17           “(3) procedures for requesting and obtaining  
18           reentry site operator licenses.

19          **“§ 70121. Report to Congress**

20           “The Secretary of Transportation shall submit to  
21          Congress an annual report to accompany the President’s  
22          budget request that—

23           “(1) describes all activities undertaken under  
24           this chapter, including a description of the process  
25           for the application for and approval of licenses under

1       this chapter and recommendations for legislation  
2       that may further commercial launches and reentries;  
3       and

4               “(2) reviews the performance of the regulatory  
5       activities and the effectiveness of the Office of Com-  
6       mercial Space Transportation.”.

7       (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
8       70119 of title 49, United States Code, is amended to read  
9       as follows:

10    **“§ 70119. Authorization of appropriations**

11       “There are authorized to be appropriated to the Sec-  
12       retary of Transportation for the activities of the Office  
13       of the Associate Administrator for Commercial Space  
14       Transportation—

15               “(1) \$6,275,000 for the fiscal year ending Sep-  
16       tember 30, 1999; and

17               “(2) \$6,600,000 for the fiscal year ending Sep-  
18       tember 30, 2000.”.

19       (c) EFFECTIVE DATE.—The amendments made by  
20       subsection (a)(6)(B) shall take effect upon the effective  
21       date of final regulations issued pursuant to section  
22       70105(b)(2)(D) of title 49, United States Code, as added  
23       by subsection (a)(6)(H).

1 **SEC. 103. LAUNCH VOUCHER DEMONSTRATION PROGRAM.**

2 Section 504 of the National Aeronautics and Space  
3 Administration Authorization Act, Fiscal Year 1993 (15  
4 U.S.C. 5803) is amended—

5 (1) in subsection (a)—

6 (A) by striking “the Office of Commercial  
7 Programs within”; and

8 (B) by striking “Such program shall not  
9 be effective after September 30, 1995.”;

10 (2) by striking subsection (c); and

11 (3) by redesignating subsections (d) and (e) as  
12 subsections (c) and (d), respectively.

13 **SEC. 104. PROMOTION OF UNITED STATES GLOBAL POSI-**  
14 **TIONING SYSTEM STANDARDS.**

15 (a) FINDING.—The Congress finds that the Global  
16 Positioning System, including satellites, signal equipment,  
17 ground stations, data links, and associated command and  
18 control facilities, has become an essential element in civil,  
19 scientific, and military space development because of the  
20 emergence of a United States commercial industry which  
21 provides Global Positioning System equipment and related  
22 services.

23 (b) INTERNATIONAL COOPERATION.—In order to  
24 support and sustain the Global Positioning System in a  
25 manner that will most effectively contribute to the na-  
26 tional security, public safety, scientific, and economic in-

1 terests of the United States, the Congress encourages the  
2 President to—

3 (1) ensure the operation of the Global Position-  
4 ing System on a continuous worldwide basis free of  
5 direct user fees;

6 (2) enter into international agreements that  
7 promote cooperation with foreign governments and  
8 international organizations to—

9 (A) establish the Global Positioning Sys-  
10 tem and its augmentations as an acceptable  
11 international standard; and

12 (B) eliminate any foreign barriers to appli-  
13 cations of the Global Positioning System world-  
14 wide; and

15 (3) provide clear direction and adequate re-  
16 sources to the Assistant Secretary of Commerce for  
17 Communications and Information so that on an  
18 international basis the Assistant Secretary can—

19 (A) achieve and sustain efficient manage-  
20 ment of the electromagnetic spectrum used by  
21 the Global Positioning System; and

22 (B) protect that spectrum from disruption  
23 and interference.



1 **SEC. 105. ACQUISITION OF SPACE SCIENCE DATA.**

2 (a) ACQUISITION FROM COMMERCIAL PROVIDERS.—

3 The Administrator shall, to the extent possible and while  
4 satisfying the scientific or educational requirements of the  
5 National Aeronautics and Space Administration, and  
6 where appropriate, of other Federal agencies and scientific  
7 researchers, acquire, where cost effective, space science  
8 data from a commercial provider.

9 (b) TREATMENT OF SPACE SCIENCE DATA AS COM-  
10 Mercial ITEM UNDER ACQUISITION LAWS.—Acquisitions  
11 of space science data by the Administrator shall be carried  
12 out in accordance with applicable acquisition laws and reg-  
13 ulations (including chapters 137 and 140 of title 10,  
14 United States Code). For purposes of such law and regula-  
15 tions, space science data shall be considered to be a com-  
16 mercial item. Nothing in this subsection shall be construed  
17 to preclude the United States from acquiring, through  
18 contracts with commercial providers, sufficient rights in  
19 data to meet the needs of the scientific and educational  
20 community or the needs of other government activities.

21 (c) DEFINITION.—For purposes of this section, the  
22 term “space science data” includes scientific data concern-  
23 ing—

24 (1) the elemental and mineralogical resources of  
25 the moon, asteroids, planets and their moons, and  
26 comets;

1 (2) microgravity acceleration; and

2 (3) solar storm monitoring.

3 (d) SAFETY STANDARDS.—Nothing in this section  
4 shall be construed to prohibit the Federal Government  
5 from requiring compliance with applicable safety stand-  
6 ards.

7 (e) LIMITATION.—This section does not authorize the  
8 National Aeronautics and Space Administration to provide  
9 financial assistance for the development of commercial  
10 systems for the collection of space science data.

11 **SEC. 106. ADMINISTRATION OF COMMERCIAL SPACE CEN-**  
12 **TERS.**

13 The Administrator shall administer the Commercial  
14 Space Center program in a coordinated manner from Na-  
15 tional Aeronautics and Space Administration head-  
16 quarters in Washington, D.C.

17 **SEC. 107. SOURCES OF EARTH SCIENCE DATA.**

18 (a) ACQUISITION.—The Administrator shall, to the  
19 extent possible and while satisfying the scientific or edu-  
20 cational requirements of the National Aeronautics and  
21 Space Administration, and where appropriate, of other  
22 Federal agencies and scientific researchers, acquire, where  
23 cost-effective, space-based and airborne Earth remote  
24 sensing data, services, distribution, and applications from  
25 a commercial provider.

1       (b) TREATMENT AS COMMERCIAL ITEM UNDER AC-  
2       QUISITION LAWS.—Acquisitions by the Administrator of  
3       the data, services, distribution, and applications referred  
4       to in subsection (a) shall be carried out in accordance with  
5       applicable acquisition laws and regulations (including  
6       chapters 137 and 140 of title 10, United States Code).  
7       For purposes of such law and regulations, such data, serv-  
8       ices, distribution, and applications shall be considered to  
9       be a commercial item. Nothing in this subsection shall be  
10      construed to preclude the United States from acquiring,  
11      through contracts with commercial providers, sufficient  
12      rights in data to meet the needs of the scientific and edu-  
13      cational community or the needs of other government ac-  
14      tivities.

15      (c) STUDY.—(1) The Administrator shall conduct a  
16      study to determine the extent to which the baseline sci-  
17      entific requirements of Earth Science can be met by com-  
18      mercial providers, and how the National Aeronautics and  
19      Space Administration will meet such requirements which  
20      cannot be met by commercial providers.

21      (2) The study conducted under this subsection  
22      shall—

23              (A) make recommendations to promote the  
24              availability of information from the National Aero-  
25              nautics and Space Administration to commercial

1 providers to enable commercial providers to better  
2 meet the baseline scientific requirements of Earth  
3 Science;

4 (B) make recommendations to promote the dis-  
5 semination to commercial providers of information  
6 on advanced technology research and development  
7 performed by or for the National Aeronautics and  
8 Space Administration; and

9 (C) identify policy, regulatory, and legislative  
10 barriers to the implementation of the recommenda-  
11 tions made under this subsection.

12 (3) The results of the study conducted under this  
13 subsection shall be transmitted to the Congress within 6  
14 months after the date of the enactment of this Act.

15 (d) SAFETY STANDARDS.—Nothing in this section  
16 shall be construed to prohibit the Federal Government  
17 from requiring compliance with applicable safety stand-  
18 ards.

19 (e) ADMINISTRATION AND EXECUTION.—This section  
20 shall be carried out as part of the Commercial Remote  
21 Sensing Program at the Stennis Space Center.

22 (f) REMOTE SENSING.—

23 (1) APPLICATION CONTENTS.—Section 201(b)  
24 of the Land Remote Sensing Policy Act of 1992 (15  
25 U.S.C. 5621(b)) is amended—

1 (A) by inserting “(1)” after “NATIONAL  
2 SECURITY.—”; and

3 (B) by adding at the end the following new  
4 paragraph:

5 “(2) The Secretary, within 6 months after the date  
6 of the enactment of the Commercial Space Act of 1998,  
7 shall publish in the Federal Register a complete and spe-  
8 cific list of all information required to comprise a complete  
9 application for a license under this title. An application  
10 shall be considered complete when the applicant has pro-  
11 vided all information required by the list most recently  
12 published in the Federal Register before the date the ap-  
13 plication was first submitted. Unless the Secretary has,  
14 within 30 days after receipt of an application, notified the  
15 applicant of information necessary to complete an applica-  
16 tion, the Secretary may not deny the application on the  
17 basis of the absence of any such information.”.

18 (2) NOTIFICATION OF AGREEMENTS.—Section  
19 202(b)(6) of the Land Remote Sensing Policy Act of  
20 1992 (15 U.S.C. 5622(b)(6)) is amended by insert-  
21 ing “significant or substantial” after “Secretary of  
22 any”.

1 **TITLE II—FEDERAL ACQUI-**  
2 **SION OF SPACE TRANSPOR-**  
3 **TATION SERVICES**

4 **SEC. 201. REQUIREMENT TO PROCURE COMMERCIAL**  
5 **SPACE TRANSPORTATION SERVICES.**

6 (a) IN GENERAL.—Except as otherwise provided in  
7 this section, the Federal Government shall acquire space  
8 transportation services from United States commercial  
9 providers whenever such services are required in the  
10 course of its activities. To the maximum extent prac-  
11 ticable, the Federal Government shall plan missions to ac-  
12 commodate the space transportation services capabilities  
13 of United States commercial providers.

14 (b) EXCEPTIONS.—The Federal Government shall  
15 not be required to acquire space transportation services  
16 under subsection (a) if, on a case-by-case basis, the Ad-  
17 ministrator or, in the case of a national security issue,  
18 the Secretary of the Air Force, determines that—

19 (1) a payload requires the unique capabilities of  
20 the Space Shuttle;

21 (2) cost effective space transportation services  
22 that meet specific mission requirements would not be  
23 reasonably available from United States commercial  
24 providers when required;

1           (3) the use of space transportation services  
2           from United States commercial providers poses an  
3           unacceptable risk of loss of a unique scientific oppor-  
4           tunity;

5           (4) the use of space transportation services  
6           from United States commercial providers is incon-  
7           sistent with national security objectives;

8           (5) the use of space transportation services  
9           from United States commercial providers is incon-  
10          sistent with international agreements for inter-  
11          national collaborative efforts relating to science and  
12          technology;

13          (6) it is more cost effective to transport a pay-  
14          load in conjunction with a test or demonstration of  
15          a space transportation vehicle owned by the Federal  
16          Government; or

17          (7) a payload can make use of the available  
18          cargo space on a Space Shuttle mission as a second-  
19          ary payload, and such payload is consistent with the  
20          requirements of research, development, demonstra-  
21          tion, scientific, commercial, and educational pro-  
22          grams authorized by the Administrator.

23 Nothing in this section shall prevent the Administrator  
24 from planning or negotiating agreements with foreign en-  
25 tities for the launch of Federal Government payloads for

1 international collaborative efforts relating to science and  
2 technology.

3 (c) DELAYED EFFECT.—Subsection (a) shall not  
4 apply to space transportation services and space transpor-  
5 tation vehicles acquired or owned by the Federal Govern-  
6 ment before the date of the enactment of this Act, or with  
7 respect to which a contract for such acquisition or owner-  
8 ship has been entered into before such date.

9 (d) HISTORICAL PURPOSES.—This section shall not  
10 be construed to prohibit the Federal Government from ac-  
11 quiring, owning, or maintaining space transportation vehi-  
12 cles solely for historical display purposes.

13 **SEC. 202. ACQUISITION OF COMMERCIAL SPACE TRANS-**  
14 **PORTATION SERVICES.**

15 (a) TREATMENT OF COMMERCIAL SPACE TRANSPOR-  
16 TATION SERVICES AS COMMERCIAL ITEM UNDER ACQUI-  
17 SITION LAWS.—Acquisitions of space transportation serv-  
18 ices by the Federal Government shall be carried out in  
19 accordance with applicable acquisition laws and regula-  
20 tions (including chapters 137 and 140 of title 10, United  
21 States Code). For purposes of such law and regulations,  
22 space transportation services shall be considered to be a  
23 commercial item.

24 (b) SAFETY STANDARDS.—Nothing in this section  
25 shall be construed to prohibit the Federal Government



1 from requiring compliance with applicable safety stand-  
 2 ards.

3 **SEC. 203. LAUNCH SERVICES PURCHASE ACT OF 1990**  
 4 **AMENDMENTS.**

5 The Launch Services Purchase Act of 1990 (42  
 6 U.S.C. 2465b et seq.) is amended—

7 (1) by striking section 202;

8 (2) in section 203—

9 (A) by striking paragraphs (1) and (2);

10 and

11 (B) by redesignating paragraphs (3) and

12 (4) as paragraphs (1) and (2), respectively;

13 (3) by striking sections 204 and 205; and

14 (4) in section 206—

15 (A) by striking “(a) COMMERCIAL PAY-

16 LOADS ON THE SPACE SHUTTLE.—”; and

17 (B) by striking subsection (b).

18 **SEC. 204. SHUTTLE PRIVATIZATION.**

19 (a) **POLICY AND PREPARATION.**—The Administrator  
 20 shall prepare for an orderly transition from the Federal  
 21 operation, or Federal management of contracted oper-  
 22 ation, of space transportation systems to the Federal pur-  
 23 chase of commercial space transportation services for all  
 24 nonemergency space transportation requirements for  
 25 transportation to and from Earth orbit, including human,

1 cargo, and mixed payloads. In those preparations, the Ad-  
2 ministrator shall take into account the need for short-term  
3 economies, as well as the goal of restoring the National  
4 Aeronautics and Space Administration's research focus  
5 and its mandate to promote the fullest possible commercial  
6 use of space. As part of those preparations, the Adminis-  
7 trator shall plan for the potential privatization of the  
8 Space Shuttle program. Such plan shall keep safety and  
9 cost effectiveness as high priorities. Nothing in this section  
10 shall prohibit the National Aeronautics and Space Admin-  
11 istration from studying, designing, developing, or funding  
12 upgrades or modifications essential to the safe and eco-  
13 nomical operation of the Space Shuttle fleet.

14 (b) FEASIBILITY STUDY.—The Administrator shall  
15 conduct a study of the feasibility of implementing the rec-  
16 ommendation of the Independent Shuttle Management Re-  
17 view Team that the National Aeronautics and Space Ad-  
18 ministration transition toward the privatization of the  
19 Space Shuttle. The study shall identify, discuss, and,  
20 where possible, present options for resolving, the major  
21 policy and legal issues that must be addressed before the  
22 Space Shuttle is privatized, including—

23 (1) whether the Federal Government or the  
24 Space Shuttle contractor should own the Space  
25 Shuttle orbiters and ground facilities;

1           (2) whether the Federal Government should in-  
2       demnify the contractor for any third party liability  
3       arising from Space Shuttle operations, and, if so,  
4       under what terms and conditions;

5           (3) whether payloads other than National Aero-  
6       nautics and Space Administration payloads should  
7       be allowed to be launched on the Space Shuttle, how  
8       missions will be prioritized, and who will decide  
9       which mission flies and when;

10          (4) whether commercial payloads should be al-  
11       lowed to be launched on the Space Shuttle and  
12       whether any classes of payloads should be made in-  
13       eligible for launch consideration;

14          (5) whether National Aeronautics and Space  
15       Administration and other Federal Government pay-  
16       loads should have priority over non-Federal payloads  
17       in the Space Shuttle launch assignments, and what  
18       policies should be developed to prioritize among pay-  
19       loads generally;

20          (6) whether the public interest requires that  
21       certain Space Shuttle functions continue to be per-  
22       formed by the Federal Government; and

23          (7) how much cost savings, if any, will be gen-  
24       erated by privatization of the Space Shuttle.

1       (c) REPORT TO CONGRESS.—Within 60 days after  
 2 the date of the enactment of this Act, the National Aero-  
 3 nautics and Space Administration shall complete the study  
 4 required under subsection (b) and shall submit a report  
 5 on the study to the Committee on Commerce, Science, and  
 6 Transportation of the Senate and the Committee on  
 7 Science of the House of Representatives.

8       **SEC. 205. USE OF EXCESS INTERCONTINENTAL BALLISTIC**  
 9                               **MISSILES.**

10       (a) IN GENERAL.—The Federal Government shall  
 11 not—

12               (1) convert any missile described in subsection  
 13       (c) to a space transportation vehicle configuration;  
 14       or

15               (2) transfer ownership of any such missile to  
 16       another person, except as provided in subsection (b).

17       (b) AUTHORIZED FEDERAL USES.—(1) A missile de-  
 18 scribed in subsection (c) may be converted for use as a  
 19 space transportation vehicle by the Federal Government  
 20 if, except as provided in paragraph (2) and at least 30  
 21 days before such conversion, the agency seeking to use the  
 22 missile as a space transportation vehicle transmits to the  
 23 Committee on National Security and the Committee on  
 24 Science of the House of Representatives, and to the Com-  
 25 mittee on Armed Services and the Committee on Com-

1 merce, Science, and Transportation of the Senate, a cer-  
2 tification that the use of such missile—

3 (A) would result in cost savings to the Federal  
4 Government when compared to the cost of acquiring  
5 space transportation services from United States  
6 commercial providers;

7 (B) meets all mission requirements of the agen-  
8 cy, including performance, schedule, and risk re-  
9 quirements;

10 (C) is consistent with international obligations  
11 of the United States; and

12 (D) is approved by the Secretary of Defense or  
13 his designee.

14 (2) The requirement under paragraph (1) that the  
15 certification described in that paragraph must be trans-  
16 mitted at least 30 days before conversion of the missile  
17 shall not apply if the Secretary of Defense determines that  
18 compliance with that requirement would be inconsistent  
19 with meeting immediate national security requirements.

20 (c) MISSILES REFERRED TO.— The missiles referred  
21 to in this section are missiles owned by the United States  
22 that—

23 (1) were formerly used by the Department of  
24 Defense for national defense purposes as interconti-  
25 nental ballistic missiles; and

1           (2) have been declared excess to United States  
2       national defense needs and are in compliance with  
3       international obligations of the United States.

4   **SEC. 206. NATIONAL LAUNCH CAPABILITY STUDY.**

5       (a) FINDINGS.—Congress finds that a robust satellite  
6   and launch industry in the United States serves the inter-  
7   est of the United States by—

8           (1) contributing to the economy of the United  
9       States;

10          (2) strengthening employment, technological,  
11       and scientific interests of the United States; and

12          (3) serving the foreign policy and national secu-  
13       rity interests of the United States.

14       (b) DEFINITIONS.—In this section:

15           (1) SECRETARY.—The term “Secretary” means  
16       the Secretary of Defense.

17           (2) TOTAL POTENTIAL NATIONAL MISSION  
18       MODEL.—The term “total potential national mission  
19       model” means a model that—

20               (A) is determined by the Secretary, in con-  
21               sultation with the Administrator, to assess the  
22               total potential space missions to be conducted  
23               in the United States during a specified period  
24               of time; and

1 (B) includes all launches in the United  
2 States (including launches conducted on or off  
3 a Federal range).

4 (c) REPORT.—

5 (1) IN GENERAL.—Not later than 180 days  
6 after the date of enactment of this Act, the Sec-  
7 retary shall, in consultation with the Administrator  
8 and appropriate representatives of the satellite and  
9 launch industry and the governments of States and  
10 political subdivisions thereof—

11 (A) prepare a report that meets the re-  
12 quirements of this subsection; and

13 (B) submit that report to the Committee  
14 on Commerce, Science, and Transportation of  
15 the Senate and the Committee on Science of the  
16 House of Representatives.

17 (2) REQUIREMENTS FOR REPORT.—The report  
18 prepared under this subsection shall—

19 (A) identify the total potential national  
20 mission model for the period beginning on the  
21 date of the report and ending on December 31,  
22 2007;

23 (B) identify the resources that are nec-  
24 essary or available to carry out the total poten-

1            tial national mission model described in sub-  
2            paragraph (A), including—

3                    (i) launch property and services of the  
4                    Department of Defense, the National Aero-  
5                    nautics and Space Administration, and  
6                    non-Federal facilities; and

7                    (ii) the ability to support commercial  
8                    launch-on-demand on short notification,  
9                    taking into account Federal requirements,  
10                   at launch sites or test ranges in the United  
11                   States;

12                   (C) identify each deficiency in the re-  
13                   sources referred to in subparagraph (B); and

14                   (D) with respect to the deficiencies identi-  
15                   fied under subparagraph (C), include estimates  
16                   of the level of funding necessary to address  
17                   those deficiencies for the period described in  
18                   subparagraph (A).

19            (d) RECOMMENDATIONS.—Based on the reports  
20            under subsection (c), the Secretary, after consultation  
21            with the Secretary of Transportation, the Secretary of  
22            Commerce, and representatives from interested private  
23            sector entities, States, and local governments, shall—

24                    (1) identify opportunities for investment by  
25                    non-Federal entities (including States and political



1 subdivisions thereof and private sector entities) to  
2 assist the Federal Government in providing launch  
3 capabilities for the commercial space industry in the  
4 United States;

5 (2) identify one or more methods by which, if  
6 sufficient resources referred to in subsection  
7 (c)(2)(D) are not available to the Department of De-  
8 fense and the National Aeronautics and Space Ad-  
9 ministration, the control of the launch property and  
10 launch services of the Department of Defense and  
11 the National Aeronautics and Space Administration  
12 may be transferred from the Department of Defense  
13 and the National Aeronautics and Space Administra-  
14 tion to—

15 (A) one or more other Federal agencies;

16 (B) one or more States (or subdivisions  
17 thereof);

18 (C) one or more private sector entities; or

19 (D) any combination of the entities de-  
20 scribed in subparagraphs (A) through (C); and

21 (3) identify the technical, structural, and legal  
22 impediments associated with making launch sites or

- 1 test ranges in the United States viable and competi-
- 2 tive.

Attest:

*Clerk.*